



JPW

PATENT

In the UNITED STATES PATENT and TRADEMARK OFFICE

APPLICANT: Albrecht, et al.	EXAMINER: Not yet assigned
SERIAL NO.: 10/803,485	ART UNIT: 1761
FILING DATE: March 18, 2004	DOCKET NO.: 7354US01
TITLE: <b>NUTRITIONAL FORMULA CONTAINING SELECT CAROTENOID COMBINATIONS</b>	I certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail addressed to the Commissioner for Patents, Alexandria, VA 22313-1450 on the date shown below.  <i>Wendy Detweiler</i> 6-23-04 Wendy Detweiler Date

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

### INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In accordance with their duty of disclosure under 37 C.F.R. §1.56, and as authorized and encouraged under 37 C.F.R. §§ 1.97-1.98 and the provisions of MPEP §§ 609 and 707.05(b), Applicants submit herewith certain patent documents, publications and/or other information ("references") which the Patent and Trademark Office may wish to consider in examining the above-identified patent application. The identification of any reference herein is not intended to be and should not be understood as being an admission that such reference necessarily constitutes "prior art" within the meaning of applicable law.

The cited references are listed on attached form PTO-1449.

- ☒ A copy of each cited reference is provided;
- ☐ Copies of cited references are not provided because each has previously been made of record in the parent application, or is otherwise known to be in the Examiner's possession.

The Examiner is requested to review and evaluate each cited reference to make an independent assessment of the materiality of each, if any, to the examination of the above-identified application. The Examiner is requested to ignore any underscoring or highlighting which may have been done because such markings may or may not have any relationship to the subject matter of the present invention. The copies being submitted with this Statement are the best copies available at this time. Applicants respectfully request that (1) the references cited herein be made of record; (2) that the Examiner acknowledge his consideration of each reference by initialing and returning the enclosed copy of the PTO-1449 form; and (3) that such references appear on the printed patent as having been considered on the record.

With regard to payment of a fee:

- ☐ ☒ No fee is due because:
- ☐ ☒ This Statement is mailed within three months of the filing date of this application, or before the mailing date of a first office action on the merits (see 37 C.F.R. §1.97(b)).
- ☐ ☐ Applicants certify that each reference cited in this Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement. (see 37 C.F.R. §1.97(e)).
- ☐ ☐ This Statement is filed after the mailing date of a first Office Action on the merits but before the mailing date of either a final action or a Notice of Allowance (see 37 C.F.R. §1.97(c)) so a fee of **\$180.00** is specified by 37 C.F.R. §1.17(p).

If any fees are owed, or any credit is due pertaining to this case, please charge that fee or apply that credit to Deposit Account No. 01-0025.

Ross Products Division of  
ABBOTT LABORATORIES  
Dept. 108140-DS/1  
625 Cleveland Avenue  
Columbus, OHIO 43215-1724

Telephone: (614) 624-5686  
Facsimile: (614) 624-3074

Docket : 7354US01

Respectfully submitted,



by William J. Winter  
Reg. No. 36,060



Sheet 1 of 1

FORM PTO-1449 (Rev. 2032)	U.S. Department of Commerce Patent and Trademark Office	Atty. Docket No. 7354US01	Serial No. 10/803,485
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Applicant Albrecht, et al.	
(Use several sheets if necessary)		Filing Date March 18, 2004	Group

**U.S. PATENT DOCUMENTS**

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date (if appro.)
	6,455,072 B1	9/24/02	Peters			
	5,234,702	8/10/93	Katz			
	6,261,598 B1	7/17/01	Runge			
	6,509,029 B2	1/21/03	Runge			
	US2002/0132800 A1	9/19/02	Popp			
	US2001/0019724 A1	9/6/01	Runge			

**FOREIGN PATENT DOCUMENTS**

Document Number	Date	Name	Class	Subclass	Translation (Yes No)
EP 0 981 969 A1	8/21/99				
WO 02/41711 A1	5/30/02				

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

		Lycopene, Natural Food Colorants: Science and Technology, Minhthy L. Nguyen and Steven Schwartz, Ohio State University, 2000
		Methods and Compositions for Brightening the Color of Thermally Processed Nutritionals, Nguyen, et al, Serial No. 10/012,353, filed 12/12/2001, Docket 6860US01,
		Identification, Quantification, and Relative Concentrations of Carotenoids and Their Metabolites in Human Milk and Serum, Khachik, et al, Analytical Chemistry, Vol. 69, No. 10, May 15, 1997
		Carotenoids: functionis and fallacies, David I. Thernham, Proceedings of the Nutrition Society (1994), 53, 77-87
		Antioxidant Activity of $\beta$ -Carotene-Related Carotenoids in Solution, LIPIDS, Vol. 24, No. 7 (1989)
		Chromatographic analysis of cis/trans carotenoid isomers, O'Neil, et al, Journal of Chromatography, 624 (1992) 235-252
		Structure and Properties of Carotenoids in Relation to Function, George Britton, FASEB, Vol. 9, December 1995, 1551-1558
		Lutein in Patients with Cataracts and Age-Related Macular Degeneration: A Long-Term Supplementation Study, Olmedilla, et al, Journal of the Science of Food and Agriculture, 2001
		Red Palm Oil in the Maternal Diet Increases Provitamin A Carotenoids in Breastmilk and Serum of the Mother-Infant Dyad, Eur. Journal of Nutr. 40: 30-38 (2001)
		Changes in the Concentration of Carotenoids, Vitamin A, Alpha-Tocopherol and Total Lipids in Human Milk throughout Early Lactation, Consuelo Macias, Annals of Nutrition & Metabolism, 2001; 45:82-85
		Carotenoid Supply in Breat-fed and Formula-fed Neonates, Sommerburg, et al, Eur J. Pediatr (2000) 159: 86-90
		Carotino Fact Sheets from Carotino.com, 5/4/2003
		What are Natural Carotenoids? Wyeth, The Pediatric Nutrition Network, 5/4/2003
		Carotenoid Composition of Human Milk During the First Month Postpartum and the Response to $\beta$ -Carotene Supplementation, Gossage, et al, Am J. Clin Nutr. 2002; 76:193-7
EXAMINER		DATE CONSIDERED

**Examiner:** Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw Line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449 (Rev. 2032)	U.S. Department of Commerce Patent and Trademark Office	Atty. Docket No. 7354US01	Serial No. 10/803,485
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Applicant Albrecht, et al.	
(Use several sheets if necessary)		Filing Date March 18, 2004	Group

## U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date (if appro.)

## FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS						
	Document Number	Date	Name	Class	Subclass	Translation (Yes No)

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

			Citation or Source (including Author, Year, Date; Example Page, 2007)
			Antioxidant Activities of Astaxanthin and Related Carotenoids, Yousry Naguib, J. Agric. Food Chem. 2000, 48, 1150-1154
			Carotenoid Supply in Breast-fed and Formula-fed Neonates, Sommerberg, et al, Eur J Pediatr (2000) 159: 86-90
			Research and Development, Wyeth Nutritionals, 8/13/02
			Carotenoids Come of Age, Yousry Nabuid, Functional Foods & Nutraceuticals, March 2003
<b>EXAMINER</b>			<b>DATE CONSIDERED</b>

**Examiner:** Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw Line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.